

1 125.17 (1) AUTHORIZATION. Every municipal governing body, or metropolitan
2 service commission authorized by a municipal governing body to provide services
3 under s. 229.863 (2) (L), shall issue an operator's license to any applicant who is
4 qualified under s. 125.04 (5). Operators' licenses may not be required other than for
5 the purpose of complying with ss. 125.32 (2) and 125.68 (2). Operators' licenses may
6 be issued only upon written application.

7 (2) VALIDITY. Operators' licenses are valid only within the issuing municipality
8 or metropolitan service district.

9 (3) FEE. The municipal governing body shall establish by ordinance, or the
10 metropolitan service commission shall establish by resolution, a fee for the operator's
11 license. Except as provided under sub. (4), a license shall be valid for one or 2 years,
12 as determined by the municipal governing body or metropolitan service commission,
13 and shall expire on June 30, except in 1st class cities the license shall expire on
14 December 31.

15 (4) TEMPORARY LICENSE. (intro.) Any municipal governing body, or any
16 metropolitan service commission authorized by a municipal governing body to
17 provide services under s. 229.863 (2) (L), may issue a temporary operator's license
18 under the terms of subs. (1) to (3), except that:

19 (5) (a) A municipal governing body or metropolitan service commission that
20 issues operators' licenses shall issue provisional operators' licenses. The municipal
21 governing body may by ordinance, and the metropolitan service commission may by
22 resolution, establish standards under which provisional licenses shall be issued and
23 shall by ordinance or resolution designate the municipal official or metropolitan
24 service district employee having authority to issue them.

1 (b) A provisional license may be issued only to a person who has applied for an
2 operator's license under sub. (1). A provisional license may not be issued to any
3 person who has been denied a license under sub. (1) by the municipal governing body
4 or metropolitan service commission.

5 (c) The municipal governing body or metropolitan service commission shall
6 establish the fee for a provisional license. The fee may not exceed \$15.

7 (e) The municipal official or metropolitan service district employee who issued
8 the provisional license may revoke the license if he or she discovers that the holder
9 of the license made a false statement on the application.

10 (6) (a) (intro.) Except as provided in par. (b), no municipal governing body or
11 metropolitan service commission may issue an operator's license unless the
12 applicant has successfully completed a responsible beverage server training course
13 at any location that is offered by a technical college district and that conforms to
14 curriculum guidelines specified by the technical college system board or a
15 comparable training course, which may include computer-based training and
16 testing, that is approved by the department or the educational approval board, or
17 unless the applicant fulfills one of the following requirements:

18 (b) A municipal governing body, or a metropolitan service commission
19 authorized by a municipal governing body to provide services under s. 229.863 (2) (L),
20 shall issue a provisional operator's license to a person who is enrolled in a training
21 course under par. (a) and who meets the standards, if any, established by the
22 municipality by ordinance, if any or by the metropolitan service district by
23 resolution. The municipal governing body or metropolitan service commission shall
24 revoke that license if the applicant fails successfully to complete the course in which
25 he or she enrolls.

1 (c) No municipal governing body or metropolitan service commission may
2 require that applicants for operators' licenses undergo training in addition to that
3 under par. (a) but may require applicants to purchase at cost materials that deal with
4 relevant local subjects not covered in the course under par. (a).

5 **SECTION 125.** 125.32 (2) of the statutes is amended to read:

6 125.32 (2) OPERATORS LICENSES CLASS "A" OR CLASS "B" PREMISES. Except as
7 provided under sub. (3) (b) and s. 125.07 (3) (a) 10., no premises operated under a
8 Class "A" or Class "B" license or permit may be open for business unless there is upon
9 the premises the licensee or permittee, the agent named in the license or permit if
10 the licensee or permittee is a corporation or limited liability company, or some person
11 who has an operator's license and who is responsible for the acts of all persons
12 serving any fermented malt beverages to customers. An operator's license issued in
13 respect to a vessel under s. 125.27 (2) is valid outside the municipality or
14 metropolitan service district that issues it. For the purpose of this subsection, any
15 person holding a manager's license under s. 125.18 or any member of the licensee's
16 or permittee's immediate family who has attained the age of 18 shall be considered
17 the holder of an operator's license. No person, including a member of the licensee's
18 or permittee's immediate family, other than the licensee, permittee or agent may
19 serve fermented malt beverages in any place operated under a Class "A" or Class "B"
20 license or permit unless he or she has an operator's license or is at least 18 years of
21 age and is under the immediate supervision of the licensee, permittee, agent or a
22 person holding an operator's license, who is on the premises at the time of the service.

23 **SECTION 126.** 125.68 (2) of the statutes is amended to read:

24 125.68 (2) OPERATORS' LICENSES; "CLASS A", "CLASS B" OR "CLASS C" PREMISES.
25 Except as provided under s. 125.07 (3) (a) 10., no premises operated under a "Class

1 A" or "Class C" license or under a "Class B" license or permit may be open for business
2 unless there is upon the premises either the licensee or permittee, the agent named
3 in the license or permit if the licensee or permittee is a corporation or limited liability
4 company, or some person who has an operator's license and who is responsible for the
5 acts of all persons selling or serving any intoxicating liquor to customers. An
6 operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside
7 the municipality or metropolitan service district that issues it. For the purpose of
8 this subsection, any person holding a manager's license issued under s. 125.18 or any
9 member of the licensee's or permittee's immediate family who has attained the age
10 of 18 shall be considered the holder of an operator's license. No person, including a
11 member of the licensee's or permittee's immediate family, other than the licensee,
12 permittee or agent may serve or sell alcohol beverages in any place operated under
13 a "Class A" or "Class C" license or under a "Class B" license or permit unless he or
14 she has an operator's license or is at least 18 years of age and is under the immediate
15 supervision of the licensee, permittee or agent or a person holding an operator's
16 license, who is on the premises at the time of the service.

17 **SECTION 127.** 174.05 (3) of the statutes is amended to read:

18 174.05 (3) ADDITIONAL TAX. The governing body of any county may by a majority
19 vote of the members present at any regular meeting raise the minimum dog license
20 tax on dogs within its jurisdiction ^{PLAIN} ~~and the~~ _{space}. The governing body of any town, village
21 or city may by resolution raise the minimum dog license tax on dogs within its
22 jurisdiction. The metropolitan service commission of any metropolitan service
23 district that provides dog licensing services under s. 229.863 (2) (k) may by resolution
24 raise the minimum dog license tax on dogs within the area for which the district
25 provides dog licensing services. If the governing body of any county, town, village or

1 city, or metropolitan service district increases the minimum tax, it shall provide that
2 the tax for unneutered male dogs and unspayed female dogs is greater than the tax
3 for neutered male dogs and spayed female dogs. The additional tax may not exceed
4 the total cost of all dog licensing, regulating and impounding activities for the
5 previous year, less any refunds which may be received under s. 174.09 (2), and shall
6 be levied and collected in the same manner as other dog license taxes.

7 **SECTION 128.** 174.06 (2m) of the statutes is created to read:

8 **174.06 (2m) METROPOLITAN SERVICE DISTRICT.** Notwithstanding sub. (1), a
9 metropolitan service district has the responsibility to ascertain the dogs owned or
10 kept within the area of the metropolitan service district in which the metropolitan
11 service district provides dog licensing services under s. 229.863 (2) (k).
12 Notwithstanding sub. (2), the metropolitan service commission shall designate the
13 listing official for the area of the metropolitan service district in which the
14 metropolitan service district provides dog licensing services under s. 229.863 (2) (k).

15 **SECTION 129.** 174.06 (3) of the statutes is amended to read:

16 **174.06 (3) COMPENSATION.** A listing official who is not a full-time, salaried
17 municipal or metropolitan service district employee shall receive as compensation
18 50 cents for each dog listed, or a greater amount established by the county board by
19 ordinance or resolution, to be audited and allowed by the county board as other
20 claims against the county and to be paid out of the dog license fund. A listing official
21 who is a full-time, salaried municipal or metropolitan service district employee shall
22 receive this compensation from the county board but shall be required to pay the
23 compensation into the town, village ~~or~~, city, or metropolitan service district treasury.

24 **SECTION 130.** 174.065 (1) of the statutes is renumbered 174.065 (1) (a) and
25 amended to read:

1 174.065 (1) (a) The Except as provided in par. (b), the collecting official is any
2 city, village, or town treasurer or other tax collecting officer or any person deputized
3 by the treasurer or tax collecting official, unless the common council or village or
4 town board provides by ordinance or resolution for the appointment of a different
5 person. Veterinarians and humane societies may voluntarily become collecting
6 officials for a city, village, or town if the governing body of the city, village, or town
7 by resolution or ordinance provides that veterinarians and humane societies may be
8 collecting officials for the city, village, or town.

9 **SECTION 131.** 174.065 (1) (b) of the statutes is created to read:

10 174.065 (1) (b) In a city, village, town, or portion of a town in which a
11 metropolitan service district provides dog licensing services under s. 229.863 (2) (k),
12 the collecting official is the person designated by the metropolitan service
13 commission. Veterinarians and humane societies may voluntarily become collecting
14 officials for a metropolitan service district if the metropolitan service commission by
15 resolution provides that veterinarians and humane societies may be collecting
16 officials for the metropolitan service district.

17 **SECTION 132.** 174.08 of the statutes is amended to read:

18 **174.08 License fees paid to county treasurer.** Every collecting official shall
19 pay all dog license taxes to the town, village or city treasurer or other tax collecting
20 officer, or to the metropolitan service district in an area in which the metropolitan
21 service district provides dog licensing services under s. 229.863 (2) (k), who shall
22 deduct any additional tax which may have been levied by the municipal governing
23 body or the metropolitan service commission and pay the remainder to the county
24 treasurer at the time settlement is made with the county treasurer for collections of
25 personal property taxes, and shall at the same time report in writing to the county

1 clerk the licenses issued. The report shall be in the form prescribed by the
2 department, and the forms shall be furnished by the county clerks.

3 **SECTION 133.** Subchapter VI of chapter 229 [precedes 229.86] of the statutes
4 is created to read:

5 **CHAPTER 229**

6 **SUBCHAPTER VI**

7 **METROPOLITAN SERVICE DISTRICTS**

8 **229.86 Definitions.** In this subchapter:

9 (1) "Chief executive officer" means, as to a sponsoring municipality or as to a
10 municipality that is wholly within the jurisdiction of a district, the mayor or city
11 manager of a city, the village president of a village, or the town board chairperson of
12 a town.

13 (2) "Commission" means a metropolitan service commission, which is the
14 governing body of a district.

15 (3) "District" means a metropolitan service district, which is a special purpose
16 district created under this subchapter.

17 (4) "Enabling resolution" means a resolution, or an amendment of a resolution,
18 adopted by the governing body of a municipality and signed by the chief executive
19 officer to create a district.

20 (6) "Municipality" means any city that is located in an urbanized area; any
21 village that is located in an urbanized area; or any town or portion of a town that is
22 located in an urbanized area.

23 (7) "Sponsoring municipality" means any municipality that creates a district
24 in combination with another municipality.

(8) "Urbanized area" means an area that is designated as such by a regional planning commission, or a county zoning agency, under s. 66.0309 (8) (c) or 59.69 (2) (g).

229.861 Creation, organization, and administration. (1) Subject to sub. (3), 2 or more municipalities that are located within a single urbanized area may create a district that is a unit of government, that is a body corporate and politic, that is separate and distinct from, and independent of, the state and the sponsoring municipalities, and that has the powers under s. 229.863, if the sponsoring municipalities do all of the following:

(a) Adopt an enabling resolution, subject to sub. (2), that declares its intent to create a district and declares which 2 or more services under s. 229.863 (2) the district will provide.

(b) File copies of the resolution with the clerk of each municipality and county that is wholly or partly within the boundaries of the urbanized area.

(2) (a) Subject to sub. (3), a district shall consist of at least 2 municipalities. Each sponsoring municipality shall be identified in a substantially similar enabling resolution that is adopted by the governing body of each sponsoring municipality within a 30-day period beginning with the date of adoption of the first enabling resolution.

****NOTE: I made this "window" 30 days because, upon the creation of a district, all municipalities within the urbanized area become part of the district unless they opt out within 60 days. Are these deadlines OK?

(b) If at least 2 municipalities adopt an enabling resolution under par. (a), every municipality in that urbanized area shall become a part of the district unless the municipality's governing body adopts a resolution, not later than 60 days after the

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note

NOTE:

Do you want to create a mechanism that allows for the expansion of this list?

1 adoption of the second enabling resolution, stating that it does not wish to become
2 part of the district.

3 (3) (a) Before a district may be created, the governing bodies of each
4 municipality that has ^{not opted out of the district} ~~adopted a resolution~~ under sub. (4) shall adopt a resolution or
5 enact an ordinance, not later than September 1 of the year in which the resolution
6 under sub. (1) is approved, that, subject to par. (b), contains an agreement among
7 each of the governing bodies which addresses at least the following:

8 1. A method of appointing temporary members to the commission under sub.
9 (4) (a) 3. to serve until the initial members are elected at the spring election and
10 qualified to take office.

11 2. An apportionment plan for the election of members of the commission under
12 sub. (4) (b), unless the governing bodies of all of the municipalities of which the
13 district is initially comprised provide for the election of members of the commission
14 without an apportionment plan. ^{and actions of the commission}
^{3. A list of specific issues that are subject to review by a veto panel under 2.229.865}

15 (b) 1. Before the municipalities may consider a resolution or ordinance that is
16 described in par. (a), all of the municipalities shall enter into an agreement on the
17 selection of an arbitrator who will decide any of the issues under par. (a) that are not
18 resolved by the municipalities by September 1 of the year described under par. (a),
19 except as provided in subd. 2. If the municipalities are unable to reach agreement
20 on any of the items listed in par. (a), the arbitrator shall enter a binding decision,
21 which resolves all such outstanding items, not later than November 1 of the year
22 described under par. (a).

23 2. If the municipalities are unable to reach an agreement concerning whether
24 the commission shall be elected with or without an apportionment plan under sub.
25 (4) (b), the commission shall be elected pursuant to an apportionment plan.

1 (4) (a) 1. The district is governed by its commission. The commission may adopt
2 bylaws to govern the district's activities, subject to this subchapter. The commission
3 shall consist of 9 members ~~who are elected at large.~~

4 2. The commission shall be elected at the spring election pursuant to an
5 apportionment plan under par. (b) unless the governing bodies of each of the
6 municipalities of which the district is comprised by resolution determine, no later
7 than November 1 preceding any spring election, that the members of the commission
8 shall be elected at that election and thereafter without an apportionment plan. If the
9 governing bodies of each municipality of which the district is comprised determine
10 to elect members of the commission without an apportionment plan, the governing
11 bodies may, no later than November 1 preceding a spring election, by resolution
12 determine to elect members of the commission at that election and thereafter
13 pursuant to an apportionment plan, if an identical plan is adopted by each of those
14 governing bodies by that date.

15 3. The first election of members of the commission shall occur in April of the
16 year following the year described in sub. (3) (a). Temporary members shall be
17 appointed according to the agreement reached under sub. (3) (a) 1. or imposed by an
18 arbitrator under sub. (3) (b) to serve until the initial members are elected at the
19 spring election and qualified to take office.

20 (b) 1. Each apportionment plan shall divide the entire district into apportioned
21 geographic areas for the election of members of the commission. Unless the number
22 of commissioners is changed under s. 229.864 (1), the boundaries of the apportioned
23 areas shall remain unchanged unless the governing bodies of each of the
24 municipalities of which the district is comprised agree, by resolution adopted no later
25 than November 1 preceding a spring election, to prescribe revised boundaries for the

1 election of members of the commission at that election and thereafter, and except
2 that, if a municipality becomes a part of the district after its creation, the governing
3 bodies of the municipalities of which the district is comprised shall, by resolution,
4 prescribe identical revised boundaries of the apportioned areas no later than
5 September 1 preceding the first spring election at which members of the board of
6 directors are to be elected from the new district. If the governing bodies are unable
7 to reach an agreement concerning an identical apportionment plan by September 1
8 preceding that spring election, an arbitrator appointed pursuant to sub. (3) (b) 1.
9 shall resolve the dispute no later than November 1 preceding that election.

10 2. If the members of the commission are elected pursuant to an apportionment
11 plan, each candidate for member of the board of directors shall state on the face of
12 his or her declaration of candidacy and nomination papers the apportioned area for
13 which the candidate seeks office.

14 (c) Each member of the board of directors shall be a resident of the district and,
15 if an apportionment plan for the election of members of the commission is used, shall
16 be a resident of the apportioned area for which he or she is elected at the time that
17 the member takes the oath of office. If a member of the commission who is elected
18 from an apportioned area ceases to be a resident of that area after the beginning of
19 his or her term of office but continues to be a resident of the district, the member may
20 continue to serve for the remainder of the term for which he or she was elected or
21 appointed.

22 (d) The terms of the members of the commission shall be 3 years, beginning on
23 the next succeeding first Monday in June, except that the terms of one-third of the
24 initial persons elected or appointed to office shall expire on the first Monday in June
25 that is one year following the next succeeding June; the terms of one-third of the

1 initial persons elected or appointed to office shall expire on the first Monday in June
2 that is 2 years following the next succeeding June; and the terms of one-third of the
3 persons elected or appointed to office shall expire on the first Monday in June that
4 is 3 years following the next succeeding June. Members of the commission may be
5 removed from office before the expiration of their terms, for cause, as provided under
6 s. 17.13 (3) and may be recalled as provided under s. 9.10. Vacancies in the office of
7 member of the commission shall be filled as provided under s. 17.27 (1f).

8 (e) The commission shall elect from its membership a chairperson, a vice
9 chairperson, a secretary, and a treasurer. A majority of the current membership of
10 the commission constitutes a quorum to do business. The district may take action
11 based on the affirmative vote of ^{5 members} ~~a majority~~ of ~~those~~ ^{the} ~~commissioners~~ ^{who are present}
12 ~~at a meeting of the commission~~

13 (f) 1. The commission shall appoint a person to serve as clerk of the district.
14 The clerk shall administer the affairs of the district, under the direction of the
15 commission. Within 7 days after the appointment of any person to fill a vacancy on
16 the commission, the clerk shall notify the person of his or her appointment.

17 2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify
18 to the county clerk of each county lying wholly or partially within the district the
19 names of candidates who have filed valid nomination papers for member of the
20 commission and who are eligible to have their names appear on the ballot under s.
21 8.30. If any municipality lying wholly or partially within the district prepares its
22 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of
23 candidates to the municipal clerk. In making these certifications, the clerk shall
24 designate the form of each candidate's name to appear on the ballot in the manner
25 prescribed under s. 7.08 (2) (a). If a primary is held for any seat on a commission,

1 the clerk shall certify to the county clerk of each county lying wholly or partially
2 within the district the names of candidates who have won nomination to the
3 commission and who are eligible to have their names appear on the ballot under s.
4 8.30. If any municipality lying wholly or partially within the district prepares its
5 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of
6 candidates to the municipal clerk. The clerk shall notify the municipal clerk of each
7 municipality lying wholly or partially within the district of any district election and
8 furnish each municipal clerk with a copy of the notice of the district election. If paper
9 ballots are utilized at a district election, the clerk shall provide each municipal clerk
10 with an adequate supply of ballots for the election at least 22 days before the election.
11 The clerk shall issue certificates of election to persons who are elected to the
12 commission after each election in the manner provided under s. 7.53 (4).

13 (g) The members of the commission shall be reimbursed for their actual and
14 necessary expenses incurred in the performance of their duties.

15 (h) Upon the election under par. (a) and qualification of a majority of the
16 members of a commission, the commission may exercise the powers and duties of a
17 commission under this subchapter, subject to s. 229.865 (1).

18 (i) ~~At its first meeting, the commission shall name the district for the most~~
19 ~~populous municipality in the district, unless the commission decides on an alternate~~
20 ~~name at any time~~

*The district shall be named by the regional planning commission or
it may change the*

***NOTE: Par. (i) is based on your instruction, but it seems like it would be easier
to just say that the commission shall name the district; if you are giving them the power
to choose any name they want by stating that they can choose an alternate name, it
doesn't seem necessary to also state that they shall name the district for the most
populous muni in the district.

21 (5) (a) The territory of a municipality may be in only one district.

→ county that designated the urbanized area in which the district is located,
at the time that the urbanized area is designated.

1 (b) A district may be in more than one county, although a county may not be
2 part of a district.

3 (e) A municipality that joins a district under s. 229.862 (3) or (4) shall accept
4 all of the services provided by the district at the time that the municipality joins the
5 district. If such a municipality imposes a room tax under s. 66.0615 (1m) (a) and if
6 the district imposes a room tax under s. 66.0615 (1m) (a), the municipality shall enact
7 an ordinance that discontinues its collection of the room tax and that authorizes the
8 district to collect a room tax in that municipality.

9 (f) No additional district may be created in an urbanized area, unless the
10 commissions of all of the existing districts in the urbanized area adopt a resolution
11 consenting to the creation of another district in that urbanized area.

12 (g) Once a district is created, it shall remain in effect unless it is dissolved as
13 provided in s. 229.867. If a municipality in a district loses its designation as an
14 urbanized area, that municipality may remain as part of the district unless the
15 municipality withdraws from the district as provided in sub. (6).

16 (h) If a city or village whose territory is in one district annexes territory that
17 contains property or facilities that are located in a different district, that district
18 shall transfer ownership of the property or facilities that are located in the annexed
19 territory to the district whose territory includes the annexing city or village. The
20 district which receives the annexed territory shall negotiate a settlement agreement
21 with the district from which the territory was annexed to compensate that district
22 for the property or facilities that are transferred, based on at least all of the following
23 factors:

- 24 1. The current value of property or facilities that are transferred.

1 2. The amount of money or any other contribution made by the district for the
2 property or facilities that are transferred.

3 3. The amount of money or any other contribution made by the municipality
4 for the property or facilities that are transferred.

5 (i) If the districts are unable to negotiate a settlement under par. (h) within 60
6 days after the effective date of the annexation that results in the transfer of territory,
7 the districts shall agree on the selection of an arbitrator who shall decide the
8 settlement amount, and send written notification of his or her decision to all parties,
9 within 30 days after his or her appointment.

10 (j) A transfer of ownership under par. (h) takes effect on the date on which a
11 settlement is reached under par. (h) or the date on which an arbitrator sends written
12 notification of his or her decision under par. (i).

13 (6) (a) A municipality which is part of a district may withdraw from the district
14 as provided in this subsection if the governing body of the municipality adopts a
15 resolution declaring its intention to withdraw from the district and if the governing
16 bodies of all of the other municipalities that are part of the district adopt a resolution
17 approving the municipality's resolution. If a municipality withdraws from a district
18 under this subsection, title to the property or facilities of the district that are located
19 in the municipality shall be transferred from the district to the municipality.

20 (b) If a municipality adopts a resolution declaring its intention to withdraw
21 from the district and if the governing bodies of all of the other municipalities that are
22 part of the district approve the resolution, the district shall dissolve as provided in
23 s. 229.867 if only one municipality remains a part of the district after a municipality
24 withdraws under this subsection. If more than one municipality remains a part of
25 the district after a municipality withdraws, the municipality that withdraws and the

1 district shall negotiate a settlement agreement to compensate that district for the
2 property or facilities that are located in the municipality, based on at least all of the
3 following factors:

- 4 1. The current value of property or facilities that are transferred.
- 5 2. The amount of money or any other contribution made by the district for the
6 property or facilities that are transferred.
- 7 3. The amount of money or any other contribution made by the municipality
8 for the property or facilities that are transferred.

9 (c) If the municipality and the district are unable to negotiate a settlement
10 under par. (b) within 60 days after the last governing body approves the
11 municipality's resolution under par. (b), the municipality and the district shall agree
12 on the selection of an arbitrator who shall decide the settlement amount, and send
13 written notification of his or her decision to all parties, within 30 days after his or her
14 appointment. The municipality shall comply with the arbitrator's decision during
15 any court challenge to the decision.

16 (d) A withdrawal under this subsection takes effect on June 1 following the date
17 on which a settlement is reached or the date on which an arbitrator sends written
18 notification of his or her decision, except that if a withdrawal would otherwise
19 become effective during the period beginning on November 1 and ending on the
20 succeeding June 1, the withdrawal becomes effective on the 2nd succeeding June 1
21 following that date.

22 (e) On the effective date of any withdrawal, the office of each member of the
23 commission who resides in the withdrawn municipality is vacated.

24 **229.862 Jurisdiction and expansion.** (1) The initial jurisdiction of a
25 district shall consist of the territory of all of the sponsoring municipalities that have

1 acted under s. 229.861 (1) and (2), and all of the territory that is subject to inclusion
2 in a district under s. 229.861 (2) (b) other than territory located in a municipality that
3 has opted out under s. 229.861 (2) (b).

4 (2) If only the urbanized part of a town is part of a district, the remainder of
5 the town shall be added to the district if it becomes an urbanized area. Upon the
6 approval of the commission, the nonurbanized area of a town may be added to a
7 district at any time.

8 (3) If the governing body of a city or village that is not in a district's urbanized
9 area adopts a resolution requesting that it become part of a district, the city or village
10 may become part of the district only upon the approval of all of the governing bodies
11 of the municipalities that are part of the district.

12 (4) If a municipality that opts out of a district by adopting a resolution under
13 s. 229.861 (2) (b) adopts a resolution requesting that it become part of a district, the
14 municipality may become part of the district only upon the approval of the
15 commission and all of the governing bodies of the municipalities that are part of the
16 district.

17 (5) Following the redesignations of urbanized areas by a regional planning
18 commission under s. 66.0309 (8) (c) 2., or by a county under s. 59.69 (2) (g) 3., a
19 municipality that becomes part of an urbanized area in which a district exists shall
20 become a part of the district in which it is located, unless the municipality's
21 governing body opts out of the district by adopting a resolution, not later than 60 days
22 after the redesignation takes effect, stating that it does not wish to become part of
23 a district.

24 (6) (a) Subject to ^{par. (b) and} s. 229.865 (1), the commission and each municipality that is
25 part of the district's initial jurisdiction, or that becomes part of the district as

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, and other assets

described under this section, shall determine which property ~~and~~ facilities of the municipality shall be transferred from the municipality to the district. ~~The property and facilities that may be transferred to the district may only be real and personal property, including debt, that relates to a service to be provided by the district and that the district determines is necessary to provide the service. The commission's and the municipality's determination of which property and facilities shall be transferred from the municipality to the district shall be based on at least all of the following factors:~~

1. The proportion that the municipality's population is to the total population of the district.
2. The proportion that the equalized value of the municipality's taxable real property is to the total equalized value of the taxable real property of the district.

INS 60-13
(b) ~~The value of the facilities and property that is transferred to the district from each municipality shall be based on at least all of the following factors:~~

1. The fair market value of the property and facilities.
2. The amount of money that the municipality has invested in the property and facilities.

***NOTE: Is par. (b) consistent with your intent? The instructions didn't really specify any criteria that the district should apply. It's also unclear to me whether you want the district to be able to decide unilaterally (subject to the veto panel) which municipal facilities and property are transferred to the district, or if you want the district and a municipality try to negotiate the transfer of facilities and property, subject to an arbitrator's intervention and the veto panel's review.

(c) If the commission and a municipality are unable to reach an agreement on the facilities ~~and~~ property *, facilities or other assets* that are to be transferred to the district under par. (a) *or (b)* within 90 days after the municipality becomes part of a district, the municipality and the district shall agree on the selection of an arbitrator who shall decide the terms

1 of the settlement and send written notification of his or her decision to all parties,
2 within 30 days after his or her appointment.

****NOTE: Is this arbitration provision sufficient, or do you want a cross-reference to ch. 788? Also see the list in s. 229.865 (2).

3 (7) Eligible electors of a municipality who are included in the expanded
4 jurisdiction of a district may vote for members of the board of directors at the first
5 election occurring after the effective date of the expansion at which members of the
6 commission are elected.

7 **229.863 Powers of district.** (1) A district has all of the powers necessary or
8 convenient to carry out the purposes and provisions of this subchapter.

9 (2) Subject to sub. (3), a district shall provide at least 2 of the following services:

10 (a) Economic development services directed at attracting business to the
11 district. Upon request of a district, any municipality within the district shall
12 cooperate with the district in the district's provision of economic development
13 services under this paragraph.

****NOTE: This provision is worded broadly so that a district has flexibility to request cooperation from municipalities within the district. It may be a good idea to define what types of services a district must provide under this paragraph. Otherwise, the paragraph could be interpreted as a broader grant of authority than you intend.

14 (b) Land use planning, by developing a comprehensive plan, as that term is
15 used in s. 66.1001 (1) (a), for the district as if the district were a local governmental
16 unit under s. 66.1001 (1) (b), and by encouraging all of the municipalities in the
17 district to adopt comprehensive plans under s. 66.1001 that are consistent with the
18 plan adopted by the district. A district's comprehensive plan under this paragraph
19 shall be adopted by the district as soon as possible. Such a plan may be used only
20 for advisory purposes, unless the district exercises zoning powers under par. (e) and
21 (3) (b) and except as provided in sub. (3) (d).

1 (c) Fire and emergency medical services.

2 (d) Parks and recreation services.

3 (e) Zoning.

4 (f) Mass transit services.

5 (g) Highway maintenance services.

6 (h) Police.

7 (i) Recycling.

8 (j) Yard waste and garbage collection.

9 (k) Dog licenses.

10 (L) Issuance of alcohol beverages operators' licenses.

11 (3) (a) 1. If all of the municipalities that are part of a district adopt a resolution
12 requesting that the district provide a service under sub. (2), the district shall provide
13 that service. If one or more, but not all, of the municipalities that are part of a district
14 adopt a resolution requesting that the district provide a service under sub. (2), the
15 district may either provide the service to or within the municipalities that have
16 requested the service or the district may choose to not provide the service.

17 2. If less than all of the municipalities in a district request that the district
18 provide a service under sub. (2) and if the district provides the service, the residents
19 of each municipality that has not adopted a resolution requesting that the service be
20 provided may petition the municipality's governing body to either adopt such a
21 resolution or provide for an advisory referendum. The petition and referendum
22 requirements under s. 9.20 (1) to (6), as they apply to direct legislation in cities and
23 villages, shall apply to a petition and referendum that is undertaken under this
24 subdivision, except that a referendum question, if approved by the electors, is not
25 binding.

1 (b) If a district engages in zoning under sub. (2) (e), the district shall exercise
2 authority under s. 62.23 (7) and act as if it were a city. A district acting under this
3 paragraph may create a “District Plan Commission” to act as if it were a “City Plan
4 Commission” as described in s. 62.23 (1). If a district acts under this paragraph all
5 zoning ordinances that were enacted by a municipality, that is part of the district,
6 before the district exercises zoning authority under this paragraph remain in effect
7 until the district amends or repeals the ordinances.

 ****NOTE: Please review this subsection, especially pars. (a) and (b), closely to
ensure that it meets your intent. Your instructions don't really specify how a district's
zoning authority should be exercised or how a petition and referendum should be
conducted.

8 (c) Except in the case of parks and recreation services under sub. (2) (d), and
9 except as provided in par. (d), if a county provides a service listed in sub. (2) to all of
10 the municipalities in the district, that service may not be provided by a district.

11 (d) If at the time a district is created a town is subject to county zoning under
12 s. 59.69, town zoning under s. 60.61, or is unzoned, that portion of the town that is
13 part of the district shall be subject to the district's comprehensive plan upon the
14 plan's adoption. The town shall also be subject to district zoning authority that may
15 be exercised under sub. (2) (e), notwithstanding s. 59.69 (5) (c).

16 (e) 1. If the district provides fire and emergency medical services under sub. (2)
17 (c), the commission shall establish a board of fire commissioners.

18 2. If the district provides police services under sub. (2) (h), the commission shall
19 establish a board of police commissioners.

20 3. If the district provides both fire and emergency medical services under sub.
21 (2) (c), and police services under sub. (2) (h), the commission shall establish a board
22 of police and fire commissioners.

1 4. A board created under this paragraph shall be organized in the same manner
2 as boards of police and fire commissioners under s. 62.13 (1).

3 5. A board created under this paragraph is subject to the provisions of s. 62.13
4 (2) to (5) and (7) to (12) to the extent that the provisions apply to 2nd and 3rd class
5 cities. In applying s. 62.13 under this paragraph the commission's chairperson has
6 the powers and duties specified for a mayor, the commission has the powers and
7 duties specified for a common council and the district has the powers and duties
8 specified for a city.

 ****NOTE: Par. (e) is based on s. 60.57 (3). Is it consistent with your intent?

9 (f) A district may provide services relating to the operation, enhancement,
10 improvement, and promotion of an existing mass transit system. "Mass transit
11 system" has the meaning given in s. 85.20 (1) (e).

12 (g) 1. A municipality may provide all or certain parts of the work of maintaining
13 the highways under its jurisdiction, including snow removal, highway lighting, and
14 highway surface cleaning, by contracting with a district to provide highway
15 maintenance services. Notwithstanding s. 229.861 (5) (e), a municipality that joins
16 a district providing services under sub. (2) (g) may specify which highway
17 maintenance services shall be provided by the district and need not have all highway
18 maintenance services provided by the district.

19 2. A district that provides services under sub. (2) (g) may contract with the
20 department of transportation to provide highway maintenance services under s.
21 84.07. The department of transportation may require the district to adopt the
22 uniform system of cost accounting required of counties under s. 83.015 (3) (d) before
23 entering into a contract with the district to provide highway maintenance services
24 under s. 84.07.

3. A municipality that contracts with a district under subd. 1. to provide highway maintenance services shall transfer to the district, within 30 days of receipt by the municipality of any transportation aids payment under s. 86.30 or 86.32, that percentage of the payment that represents the cost of the highway maintenance services to be provided by the district as compared to, with respect to aids paid under s. 86.30, the cost of all other transportation-related services provided by the municipality and, with respect to aids paid under s. 86.32, the cost of all other connecting highway maintenance services provided by the municipality. The percentage transferred under this subdivision shall be consistent with the municipality's reporting of cost data under s. 86.303. For purposes of reporting under s. 86.303, a municipality that contracts with a district under subd. 1. to provide highway maintenance services shall include such highway maintenance services in its report under s. 86.303 and specify that such services are provided by a district, and shall further specify the amount of transportation aids transferred to the district for the performance of such services.

(L) 1. A district may issue alcohol beverages operators' licenses as provided in s. 125.17 and may renew licenses initially issued by any municipality that has provided the district with authorization to provide services under sub. (2) (L).

2. The district may, after notice and an opportunity for hearing, refuse to issue a license under subd. 1. and s. 125.17, or revoke, suspend, or refuse to renew a license issued by it under subd. 1. and s. 125.17, for any cause provided in s. 125.12 (2) (ag). Whenever a district revokes, suspends, or refuses to renew a license for any cause provided in s. 125.12 (2) (ag), the commission shall, within 10 days after the revocation, suspension, or refusal to renew, mail a report to the department of revenue and to the clerk of each municipality within the district of the licensee's

A district receiving a transfer under this subdivision of aids paid to a municipality under s. 86.30 is subject to the provisions of s. 86.30 (2) (f).

1 residence as designated on the license application, identifying the licensee and
2 specifying the action taken upon the license and the reason for the action. When a
3 alcohol beverages operators' license is revoked, suspended, or refused renewal under
4 this subdivision, no other license may be issued to the person within 12 months of
5 the date of revocation, suspension, or refusal of renewal.

6 3. If a district revokes, suspends, or refuses to issue or renew a license under
7 subd. 2., the licensee or applicant may seek review of the revocation, suspension, or
8 refusal to issue or renew by filing an action in the circuit court of the county in which
9 the licensee or applicant resides. The procedure on review shall be the same as in
10 civil actions instituted in the circuit court, but the action shall be decided by the court
11 without a jury.

12 (m) 1. Whenever a municipality becomes a part of a district, the district shall
13 employ all municipal employees who provided the services that will henceforth be
14 provided by the district if the employees, as municipal employees, were included in
15 a collective bargaining unit for which a representative is certified under subch. IV
16 of ch. 111.

17 2. Until the expiration date of the applicable collective bargaining agreement
18 specified in subd. 1., the district shall provide the municipal employees who become
19 district employees wages and benefits at least equal to those provided under the
20 collective bargaining agreement and shall adhere to all terms of the collective
21 bargaining agreement relating to hours and conditions of employment.

22 3. The district shall employ the municipal employees specified under subd. 1.
23 until the expiration date of the applicable collective bargaining agreement that
24 covered the employees while they were municipal employees. Beginning on that

1 expiration date, the district may offer continued employment to these employees
2 under sub. (4) (e).

3 (4) In addition to all other powers granted by this subchapter, a district may
4 do all of the following:

5 (a) Adopt and alter an official seal.

6 (b) Sue and be sued in its own name, and plead and be impleaded.

7 (c) Maintain an office.

8 (d) In connection with property or facilities used or needed by a district to
9 perform the services it provides:

10 1. Acquire, develop, equip, maintain, improve, operate, and manage such
11 property or facilities.

12 2. Enter into contracts, subject to such standards as may be established by the
13 commission.

14 3. Grant concessions.

15 4. Operate recreational facilities or programs.

16 (e) Employ personnel, and fix and regulate their compensation; and provide,
17 either directly or subject to an agreement under s. 66.0301 as a participant in a
18 benefit plan of another municipality, any employee benefits, including an employee
19 pension plan.

20 (f) Purchase insurance, establish and administer a plan of self-insurance, or,
21 subject to an agreement with another political subdivision under s. 66.0301,
22 participate in a governmental plan of insurance or self-insurance.

23 (g) Set standards governing the use of, and the conduct within, its property,
24 facilities, and recreational facilities in order to promote public safety and
25 convenience and to maintain order.

(h) To carry out its functions, levy a tax on the taxable property in the district, as equalized by the department of revenue under s. 70.57. The commission shall establish the tax levy rate. The tax levy shall be applied to the respective real property and personal property tax rolls of each city, village, and town, or part of a town, included in the district and shall not be included within any limitation on county or municipality taxes. Collected taxes levied under this paragraph shall be paid to the district treasurer.

(i) Accept gifts and other aid, which may be used only for the following purposes:

1. Maintaining the district's property or facilities.
2. Operating the district's property or facilities.
3. Making capital improvements to the district's property or facilities.

(j) Administer the receipt of revenues, and oversee the payment of bills or other debts incurred by the district.

(jm) With regard to the members of the commission, ~~change any decision imposed by an arbitrator under s. 229.862 (6) (c).~~

****NOTE: Paragraph (jm) is modeled on s. 229.863 (11) of the parks district draft, but I don't think that it works in this bill because an arbitrator arbitrates disputes between the commission and the municipalities. I think par. (jm) should be deleted.

(k) Adopt a resolution to impose a room tax under s. 66.0615 (1m) (em).

(L) Adopt a resolution to impose impact fees under s. 66.0617.

(m) Issue debt under ch. 67 only for capital improvements to property or facilities.

229.864 Powers and duties of, and limitations on, municipalities. (1)

The number of members of the commission specified in s. 229.861 (4) (a) 1. may be changed only by an agreement that is approved unanimously by ordinance or

1 resolution of the governing bodies of each municipality that makes up the
2 jurisdiction of the district. Each such ordinance or resolution shall include an
3 identical revised schedule for expiration of the terms of office of the commissioners
4 under s. 227.861 (4) (d) that does not change the term of office of any current or future
5 commissioner and if commissioners are elected pursuant to an apportionment plan
6 under s. 229.861 (4) (b) 1., an identical revised apportionment plan. Any change that
7 is adopted or enacted by all municipalities on or before November 1 of any year is
8 effective with respect to terms of office that begin on the June 1 following that
9 November 1. Any change that is adopted or enacted by all municipalities after
10 November 1 of any year is effective with respect to terms of office that begin on the
11 2nd June 1 following that November 1.

12 (2) Except as otherwise provided in this section, the governing bodies of each
13 municipality that makes up the jurisdiction of the district may not expend any funds
14 to support property or facilities that are owned by the district, or impose an impact
15 fee under s. 66.0617 for property or facilities that are related to providing a service
16 being provided by a district.

~~***NOTE: Is this subsection consistent with your intent?~~

17 (3) In addition to any powers that it may otherwise have, a municipality located
18 wholly or partly within a district's jurisdiction may do any of the following:

19 (a) Make loans to a district upon terms that the municipality considers
20 appropriate.

21 (b) Lease or transfer property to a district upon terms that the municipality
22 considers appropriate.

(4) No city or village may annex any town territory under s. 66.0217, 66.0219, 66.0221, or 66.0223 if that territory is part of a district, except that such territory may be annexed under a boundary agreement under s. 66.0307.

(5) The board of any town which, in whole or in part, is located in a district that provides the town with zoning and planning services under s. 229.863 (2) (e) and (3) (d) may exercise all powers of cities under s. 66.1105 in the part of the town that is subject to such district services. If the town board exercises the powers of a city under s. 66.1105, it is subject to the same duties as a common council under s. 66.1105 and the town is subject to the same duties and liabilities as a city under s. 66.1105.

(6) A municipality that is located in and is part of a district that provides police services under s. 229.863 (2) (h) shall be ~~exempted from~~ ^{reimbursed by the county} 75% of the county tax levy for field services provided by the sheriff's department. *in an amount that represents the municipality's share of*

****NOTE: What do you intend "field services" to include? Do you want to be any more specific?

229.865 Dispute resolution, veto panel. (1) (a) Upon the creation of a district under this subchapter, there shall be created for that district a veto panel, the membership of which shall be the chief executive officer of each municipality that is part of the district. If a municipality becomes part of a district after its creation, the chief executive officer of the municipality shall become a member of the veto panel.

INSERT 70-19
(b) ~~A veto panel shall exist until the first day of the 120th month beginning after the district's creation. Any member of a veto panel may call a meeting of the panel at any time.~~

(c) A veto panel may, by a vote of 50% of the members present at the meeting at which the vote occurs, veto any action of the commission. The commission may

1 ~~override~~ any such veto by a vote of two-thirds of the members present at the meeting
2 at which the vote occurs to ~~override~~ a veto.

***NOTE. Is sub. (1) consistent with your intent? Do you want to allow veto panel members to vote by mail or phone? If so, I'll find out if any specific authorization is needed.

3 (2) Other than a dispute for which arbitration is specified in this subchapter,
4 any dispute between a commission and a municipality, in any of the following areas,
5 shall be submitted to arbitration under ch. 788:

- 6 (a) The creation of a district.
7 (b) The governance of a district.
8 (c) The functions of a district.
9 (d) The services provided by a district.
10 (e) The transfer of property and facilities from a district to a municipality upon
11 the dissolution of a district under s. 229.867.

12 **229.866 Commencement of services.** A district may determine the date on
13 which it commences providing any service, and shall provide written notification of
14 the date to a municipality. A municipality shall cease providing the service as of the
15 date specified by the district. If the district begins to provide a service other than at
16 the start of a municipality's fiscal year, the municipality that receives the service
17 shall transfer to the district the unexpended municipal funds from its current year's
18 budget that are specified for the provision of such service. The amount of
19 unexpended funds that are transferred shall be based on the date on which the
20 municipality stops, and the district starts, providing the service.

21 **229.867 Dissolution of district.** (1) Subject to providing for the payment of
22 its debts, and the performance of its other contractual obligations, a district may be
23 dissolved by the action of the commission. If the district is dissolved, the commission

1 shall certify to each of the municipalities that are a part of the district that the
2 district is dissolved, and the property of the district shall be transferred to such
3 municipalities by the commission, based on at least all of the following factors:

4 (a) The current value of property and facilities transferred by a municipality
5 to a district.

6 (b) The amount of money contributed to the district during its existence by a
7 municipality under ss. 66.0615 and 229.863 (4) (h)

8 (c) The amount of any other contribution made by a municipality to a district,
9 including any contribution that is made under s. 229.864 (3).

10 (2) If a municipality disagrees with the commission's decisions regarding the
11 transfer of property, the municipality may have its disagreement settled by an
12 arbitrator under s. 229.865 (2) (e).

13 **SECTION 134.** 287.09 (1) (a) of the statutes is amended to read:

14 287.09 (1) (a) Except as provided in pars. (b) to (d) (dm), each municipality is
15 a responsible unit.

16 **SECTION 135.** 287.09 (1) (dm) of the statutes is created to read:

17 287.09 (1) (dm) A metropolitan service district that provides recycling services
18 under s. 229.863 (2) (i) is a responsible unit.

19 **SECTION 136.** 287.09 (1) (e) of the statutes is amended to read:

20 287.09 (1) (e) The governing body of a county that adopts a resolution under
21 par. (b) or enters into a contract under par. (d) shall submit a copy of the resolution
22 or contract to the department and to the clerk of each municipality in the county,
23 within 30 days after adoption of the resolution or the signing of the contract. The
24 governing body of a municipality that adopts a resolution under par. (c) or enters into
25 a contract under par. (d) shall submit a copy of the resolution or contract to the

1 department and to the clerk of the county in which the municipality is located, within
2 30 days after adoption of the resolution or the signing of the contract. A metropolitan
3 service district that is a responsible unit under par. (dm) shall notify the department
4 and the clerk of the county in which the metropolitan service district is located of the
5 region for which the metropolitan service district is a responsible unit, within 30
6 days after it becomes a responsible unit.

7 **SECTION 137.** Laws of 1975, chapter 105, section 1 (1) and (2) is amended to
8 read:

9 [Laws of 1975, chapter 105] Section 1 (1) The legislature finds that the existing
10 system of allocating aggregate property tax revenues among tax levying
11 municipalities has resulted in significant inequities and disincentives. The cost of
12 public works or improvements within a city ~~or~~, village, or certain towns has been
13 borne entirely by the city ~~or~~, village, or town, while the expansion of tax base which
14 is stimulated, directly or indirectly, by such improvements, benefits not only the city
15 ~~or~~, village, or town but also all municipalities which share such tax base. This
16 situation is inequitable. Moreover, when the cost to a city ~~or~~, village, or town of a
17 public improvement project exceeds the future benefit to the city ~~or~~, village, or town
18 resulting therefrom, the city ~~or~~, village, or town may decide not to undertake such
19 project. This situation has resulted in the postponement or cancellation of socially
20 desirable projects.

21 (2) The legislature further finds that accomplishment of the vital and beneficial
22 public purposes of sections 66.405 to 66.425, 66.43, 66.431, 66.435 and 66.52 of the
23 statutes, is being frustrated because of a lack of incentives and financial resources.
24 The purpose of this act is to create a viable procedure by which a city ~~or~~, village, or

insert
73-6

1 certain towns, through its own initiative and efforts, may finance projects which will
2 tend to accomplish these laudable objectives.

3 **SECTION 138. Initial applicability.**

4 (1) The treatment of section 79.05 (1) (bm) of the statutes first applies to
5 distributions under the expenditure restraint program in 2004.

6 (END)

D-Note

**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0216/P2insMES
MS/JTK/RM/JK/RC/ag/rt:cs:pg

INSERT 60-13

1. A municipality shall transfer to the district all of the following:
 - a. Real property and attachments that relate to a service provided by the district.
 - b. All vehicles and specialized equipment that relate to a service provided by the district and that have a fair market value of at least \$50,000.
2. A municipality may transfer, sell, lease, or donate to the district, or to any other person if the district does not want the item, any property or asset that is not specified in subd. 1. ✓
3. If any property or other asset that is transferred by a municipality to the district is not used by the district, the district shall return the property or asset to the municipality from which it was received. ✓

INSERT 68-20

- (n) Request that a county or a regional planning commission redesignate the urbanized areas of the county or the region before the 10th year period specified in ss. 59.69 (2) (g) 3. and 66.0309 (8) (c) 2. ~~require such a redesignation~~ ✓

INSERT 70-19

- 109 If the commission takes any action on an item that is specified on the list that is described in s. 229.861 (3) (a) 3., the clerk of the commission shall send a written description of the action taken to the members of the veto panel. Each member of the panel may notify the clerk in writing, not later than 5 business days after he or she receives the description of the action taken, that he or she objects to the commission's action. If at least 50% of the members of the panel object to the

✓
commission's action as provided in this paragraph, the action of the commission is vetoed and may not take effect. If an action of the commission is vetoed, the clerk shall include a veto override session in the agenda of the commission's next regularly scheduled meeting, although an override session may be held at an emergency meeting that is called before the next regularly scheduled meeting. If two-thirds of all of the members of the commission vote to override the veto, the commission's action that was vetoed takes effect notwithstanding the objections of the veto panel.

****NOTE: Your instructions state that the clerk shall "schedule a veto override session for the next regularly scheduled meeting, unless an emergency meeting is call[ed] before"; but nothing in the bill specifies when meetings — regular or emergency — are held or when they can be called. Are you just assuming that a commission will deal with this issue under its bylaws?

✓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0216/P2insAG
ARG:.....

INSERT 73-6:

SECTION 136g. 340.01 (28t) of the statutes is created to read:

340.01 (28t) "Metropolitan service district" has the meaning given for "district" in s. 229.86 (3).

SECTION 136h. 341.26 (2m) (a) of the statutes is amended to read:

341.26 (2m) (a) In this subsection, "municipality" has the meaning given in s. 345.05 (1) (c), except that the term includes a metropolitan service district but does not include a county.

SECTION 136i. 343.38 (1) (c) 2. b. of the statutes is amended to read:

343.38 (1) (c) 2. b. A vehicle owned by or leased to the United States, this state or any county ~~or~~, municipality, or metropolitan service district of this state.

SECTION 136j. 344.14 (2) (j) of the statutes is amended to read:

344.14 (2) (j) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any county ~~or~~, municipality, or metropolitan service district of this state, or to the operator of such vehicle if operating such vehicle with permission.

SECTION 136k. 344.25 (1) of the statutes is amended to read:

344.25 (1) If the judgment arose out of an accident caused by the ownership or operation, with permission, of a vehicle owned by or leased to the United States, this state or any county ~~or~~, municipality, or metropolitan service district of this state or a vehicle subject to the requirements of s. 121.53, 194.41 or 194.42, the secretary shall not suspend such operating privilege or registration.

SECTION 136L. 345.05 (2), (4) and (5) of the statutes are amended to read:

345.05 (2) A person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned and operated by a municipality or metropolitan service district, which damage was occasioned by the operation of the motor vehicle in the course of its business, may file a claim for damages against the municipality or metropolitan service district concerned and the governing body thereof of the municipality or the commission of the metropolitan service district may allow, compromise, settle and pay the claim. In this subsection, a motor vehicle is deemed owned and operated by a municipality or metropolitan service district if the vehicle is either being rented or leased, or is being purchased under a contract whereby the municipality or metropolitan service district will acquire title.

(4) In this section, judgments against municipalities and metropolitan service districts shall be certified, filed and collected as provided in s. 66.0117 whether named therein or not.

(5) If the allowance of claim is by or the judgment is against any municipality or metropolitan service district lying in more than one town, city, village or county, the governing body of the debtor municipality or the commission of the debtor metropolitan service district shall prorate the amount of the claim allowed or the judgment and so certify to the proper officials for tax levy, so that the taxable property of the debtor municipality or the debtor metropolitan service district will equitably bear the amount of the claim or judgment.

SECTION 136m. 348.18 of the statutes is amended to read:

348.18 Weight limitations apply to publicly-owned vehicles; exceptions. Sections 348.15 to 348.17 and the penalties for violations thereof also apply to vehicles owned by the state, a county ~~or~~, a municipality, or a metropolitan

service district, except when such vehicles are being used for the removal, treatment or sanding of snow or ice or when such vehicles are authorized emergency vehicles. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0216/P2dn

ARG::2:....

ATTN: Jeremy Levin

Because municipalities typically use vehicles to perform highway maintenance, the attached draft allows metropolitan service districts (MSDs) to register vehicles in the same manner as municipalities and includes MSDs within the scope of the municipal liability provisions relating to operation of these vehicles. Is this okay?

✓

Aaron R. Gary
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E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0216/P2dn
ARG:cs:jf

February 18, 2003

ATTN: Jeremy Levin

Because municipalities typically use vehicles to perform highway maintenance, the attached draft allows metropolitan service districts (MSDs) to register vehicles in the same manner as municipalities and includes MSDs within the scope of the municipal liability provisions relating to operation of these vehicles. Is this okay?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
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Memo:

Date: March 18, 2003

RE: Metropolitan Service District (Preliminary Draft)

From: Representative Greg Huber

Contact: Jeremy Levin (AM) 266-8588
(PM) 266-0654

Contact: Marc Shovers (608) 266-0129
LRB, Attorney

Changes to make to LRB-0216/P2:

1) Need to clarify the protection of a town from annexation. If a town (portion[urban] or whole) is part of an Metropolitan Service District (MSD) that portion of the town in the MSD is protected from being annexed from any other municipality within the MSD, unless there is a prior boundary agreement between the municipalities. If the property owner desires to be annexed by another municipality, an annexation may occur with the consent of the town board. (page 69, line 22-24 (section 133)--§229.864(4))

2) Need to clarify the services provided by the MSD. Remove the following services from the list: (k) Dog licenses, and (L) Issuance of alcohol beverages operators' licenses. Add the following services to the list: (k) Libraries, ~~(L) Sewer and Water~~, and ~~(m) Storm water Drainage~~. In addition, provide a catch-all at the beginning of the list of services that the service provided "may include, but not limited to" at least 2 of the following services[line 7, page 61]. (page 61, (section 133)--§229.863(2))

3) REMOVE (page 63, line 6-8 (section 133)--§229.863(3)(c))

4) "The commission shall consist of no more than 9 members." (page 52, line 9-10 --§229.861(4) (a)1.)

5) If all the underlying municipalities in a MSD are covered by full-time police service (§229.863(2)(h)), then the underlying municipalities shall be reimbursed by the county in an amount that represents 50% of the municipality's share of the county tax levy for the sheriff's department (less the costs associated with the County Jail and Administration). If the MSD provides police service, then it shall be reimbursed 50% of the county tax levy for the sheriff's department (less the costs associated with the County Jail and Administration) (page 70, line 7-10--§229.864(6))

6) Commencement of services will be on January 1 of the year following the first election. (§229.861) § 229.866

NOTE:
The guts are
in the
redraft basket

Jeff:
Make sure
1/16/03 election
stuff is done -
apparitionment

RCI, ARB
please make
any other needed
changes

ask
Greg
MSD?
So L change
p. 61, 17-
042

Greg says to
omit sewer water
and
stormwater drainage

Don't need
MSD police dept
but if they do
rebate
MSD
or each muni
Police dept
get 50% rebate
all must have full-
time coverage

2 cont may
end up w/
no levy
for sheriff's
service

- 7) DELETE "specific". (page 51, line 18 --§229.861(3) (a)3.) Add language that says if all the underlying municipalities agree, by passing similar enabling resolutions, the list of items the Veto Panel has veto powers over may later be modified. ★

8) Clarify that the Regional Planning Commission (RPC) will formulate the boundaries for the urbanized area to be included in the district. A county zoning agency will be allowed to do so, if that county is not part of a RPC. (page 50, line 6-8 --§229.86(8)) not needed - see D. 59, 69 (2) (9) 2. * p. 20 *

9) As part of the agreement under §229.861, municipalities must transfer all real property and attachments and specialized equipment, under §229.862(6), to the MSD that relate to the service(s) provided by the MSD. In addition, all debt service for the real property and attachments, and specialized equipment shall be transferred to the MSD as well. Furthermore, a system of payouts or credits may be devised to settle the agreement required under §229.861. (page 51--§229.861(3)(a)) encompassed by (b) 1

b) The following language be added to the above provision, sec. 229.861(3)(a):

An agreement may address any other issues and concerns the governing bodies may have regarding the creation of the district, including the adjustment of assets and liabilities and the payment of compensation when property, facilities and equipment are transferred from a municipality to the district under sec. 229.862(6)(a). p. 60

Cross Reference Ch. 65.90 in terms of holding a public hearing on any budget being promulgated by the MSD. (§229.861) not needed - D. 65.90 applies to MSDs because MSDs may impose a prop tax - see D. 65.90 (1) (a) for def of "muni."

11) Remove a MSD from being eligible for Share Revenue, however keep the budgeted amounts that the underlying municipalities reduce their budgets by transferring services to the MSD eligible for the Expenditure Restraint Program (ERP). Clarify that the MSD has fee authority. (page 37--§79.035)

12) If a town receives Tax Incremental Financing (TIF) (page 70--§229.864(5)) that town must enter into a revenue sharing agreement with the other municipalities within the MSD, according to §66.0305.

13) DELETE -- page 54, line 21 -- "... administer the affairs of the district ..." Want the language to say the clerk shall serve under the direction of the MSD.

14) ADD -- page 67, line 16 -- ", including an administrator,"

15) **** Note on page 32 -- Allow the MSD to only impose impact fees for the services they have agreed to provide. only incl. if not covered by current law

16) Clarify that there is a 10-year sunset on the veto panel. - 10 yrs from when 1st comm. are sworn in

17) The swearing-in and new term begins in late April, along with all the other municipal elected officials. (page 54, lines 5-15 --§229.861(4) (d)) keep consistent w/ current law